

**THE MINUTES OF THE BOARD OF EQUALIZATION MEETING HELD
MONDAY, NOVEMBER 21, 2016 AT 5:30 P.M.**

The Board of Equalization met at 5:30 p.m. in the City Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; Deputy City Clerk: Soulinnee Phan.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

ELECTION OF CHAIRPERSON

ESKRIDGE Nominated Leirion Gaylor Baird as Chair.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

GAYLOR BAIRD Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6TH, R, AND 17TH STREETS;

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS;

DOWNTOWN MAINTENANCE DISTRICT EXTENDING FROM 7TH ST. ON THE WEST TO 17TH ST. ON THE EAST AND FROM R ST. ON THE NORTH, TO M ST. ON THE SOUTH, INCLUDING THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7TH ST. FROM N ST. TO R ST.; THE EAST SIDE OF 17TH ST. FROM Q ST. TO M ST.; THE NORTH SIDE OF R ST. FROM 7TH ST. TO 10TH ST.; THE SOUTH SIDE OF M ST. FROM 8TH ST. TO 17TH ST., BOTH SIDES OF 13TH ST. FROM M ST. TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE;

WEST HAYMARKET/DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY THE WEST LINE OF OUTLOT C, WEST HAYMARKET ADDITION FROM APPROX. K ST. ON THE SOUTH, NORTH TO N ST. AND CONTINUING NORTH ALONG THE CENTER LINE OF PINNACLE ARENA DR. TO APPROX. 9TH AND 10TH STS., SOUTH TO R ST., WEST TO 7TH ST., SOUTH TO O ST., EAST TO 8TH ST., SOUTH TO THE ALLEY SOUTH OF N ST., AND WEST TO THE EAST LINE OF OUTLOT C, WEST HAYMARKET ADDITION;

WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY PINNACLE ARENA DR. ON THE WEST AND NORTH, N. 10TH ST. ON THE EAST, AND Q, R AND N ST. ON THE SOUTH;

WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY PINNACLE ARENA DR. ON THE WEST AND NORTH, N. 8TH AND N. 9TH STS. ON THE EAST, AND O AND N STS. ON THE SOUTH - Ron Cane, Urban Development, came forward and stated these assessments cover the time period from September 1, 2015 to August 31, 2016.

This matter was taken under advisement.

VOTING SESSION

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6TH, R, AND 17TH STREETS;

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS;

DOWNTOWN MAINTENANCE DISTRICT EXTENDING FROM 7TH ST. ON THE WEST TO 17TH ST. ON THE EAST AND FROM R ST. ON THE NORTH, TO M ST. ON THE SOUTH, INCLUDING THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7TH ST. FROM N ST. TO R ST.; THE EAST SIDE OF 17TH ST. FROM Q ST. TO M ST.; THE NORTH SIDE OF R ST. FROM 7TH ST. TO 10TH ST.; THE SOUTH SIDE OF M ST. FROM 8TH ST. TO 17TH ST., BOTH SIDES OF 13TH ST. FROM M ST. TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE;

WEST HAYMARKET/DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY THE WEST LINE OF OUTLOT C, WEST HAYMARKET ADDITION FROM APPROX. K ST. ON THE SOUTH, NORTH TO N ST. AND CONTINUING NORTH ALONG THE CENTER LINE OF PINNACLE ARENA DR. TO APPROX. 9TH AND 10TH STS., SOUTH TO R ST., WEST TO 7TH ST., SOUTH TO O ST., EAST TO 8TH ST., SOUTH TO THE ALLEY SOUTH OF N ST., AND WEST TO THE EAST LINE OF OUTLOT C, WEST HAYMARKET ADDITION;

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 62**

WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT GENERALLY
BOUNDED BY PINNACLE ARENA DR. ON THE WEST AND NORTH, N. 10TH ST. ON THE EAST,
AND Q, R AND N ST. ON THE SOUTH;

WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT
OVERLAY GENERALLY BOUNDED BY PINNACLE ARENA DR. ON THE WEST AND NORTH, N.
8TH AND N. 9TH STS. ON THE EAST, AND O AND N STS. ON THE SOUTH -

FELLERS Moved approval.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ADJOURNMENT

5:40 P.M.

CAMP Moved to adjourn sine die the Board of Equalization Meeting.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Soulinnee Phan, Deputy City Clerk

Monet McCullen, Office Specialist

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 21, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; Deputy City Clerk: Soulinnee Phan.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of November 7, 2016, reported having done so, found same correct.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPLICATION OF CITY OF LINCOLN DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE
AT 3701 SOUTH 70TH STREET;

MANAGER APPLICATION OF SCOTT D. CARLSON FOR CITY OF LINCOLN DBA HOLMES GOLF

COURSE AT 3701 SOUTH 70TH STREET - Lynn Johnson, Director of Parks and Recreation, applicant, came forward to take the oath and shared that the City of Lincoln is applying for a liquor license due to the operation at Holmes Golf Course being operated differently than the other golf courses in the City. The other three 18 hole courses are contracted with managers who hold the liquor licenses and they also retain all of the revenue from the alcohol sales. At Holmes Golf Course, the City retains the revenue and contract with Mr. Carlson for operation of the course, but all proceeds from the sale of alcohol come to the City. In this instance, the City has interest in holding the liquor license to ensure continuity in the liquor license without having any gaps, which could result in a gap of revenue coming to the City.

Scott D. Carlson, Manager of Holmes Golf Course, 3701 S. 70th Street, applicant, came forward to take the oath and requested approval.

Jon Camp, Council Member, asked for justification on why the City is applying for a liquor license.

Mr. Johnson explained the main reason is the revenue. At this point alcohol, food, and beverage sales help support the operation of the program. At the other courses, the City pays a management fee to the three golf professionals, but a portion of the compensation that they receive is a result of the food and beverage. The money that comes from alcohol sales is an important part of revenue that help support the Lincoln Golf Program.

Mr. Camp asked if the sales could be limited to just beer and wine.

Mr. Johnson said the license is a Class C license and the majority of the sales are beer, but it is being requested for spirits as well. Spirits are a smaller portion of the sales, but it is intended to be a full service operation. Discussion followed.

Cyndi Lamm, Council Member, inquired if there were a violation from someone serving at the golf course, would the City receive the violation.

Mr. Johnson confirmed it depends on the violation. There are multiple levels of responsibility from individuals. Everyone will be required to have a servers license, and if they make a mistake and serve someone who should not be served it is against their license. There is also responsibility associated with monitoring consumption and also how the alcohol is acquired and managed. Mr. Carlson would be responsible for that.

Ms. Lamm asked if this would be the case even with the City having the liquor license.

Mr. Johnson explained that the City will hold the liquor license and Mr. Carlson would hold the managers license and each individual serving would have their servers permits.

Ms. Lamm asked who is cited at the other golf courses in the event there is a violation.

Mr. Johnson confirmed that to be a similar situation. It would depend on the violation to determine who would be responsible.

Ms. Lamm stated she is confused as to why the City is asking for the license and not the golf professional.

Mr. Johnson said the City contracts with Mr. Carlson for the services, and if something were to happen and Mr. Carlson would discontinue the contract there could be a gap in services. It could take some time to get another manager in place and go through the process of getting the new manager a liquor license. This would mean no alcohol could be served at that time and would cause a break in revenue.

Ms. Lamm asked if this were the case at the other golf courses.

Mr. Johnson said the distinguishing fact of Holmes Golf Course is the revenue coming to the City. At the other courses the revenue goes directly to the golf professional. If there were a gap in license it would effect the golf professionals revenue, not the City's revenue.

Roy Christensen, Council Member, asked if this were a model for what might happen at the other golf courses.

Mr. Johnson explained he thinks that would depend on what happens with the revenue. A year ago, there was an ongoing conversation with the Community Committee about all the revenue streams that come into the overall golf program, and one thing the committee recommended was to take a look at all the golf

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 64**

professionals contracts in the future. The sale from food and beverage, particularly alcohol, is a significant revenue source. If the City, at some point, wanted to have a portion of that revenue, it might be wise to look at this model to assure the ongoing revenue source.

Mr. Christensen asked about boundaries of this liquor license.

Mr. Johnson stated the license would cover the entire golf course. There are beverage carts out on the course serving alcohol. There will be signs posted at the walkway that goes to the parking lot that indicates alcohol is not allowed beyond that point. There will also be signs posted throughout the course that individuals should not bring their own alcohol onto the course.

Mr. Christensen asked if this was creating a conflict of interest with Lincoln Police Officers enforcing liquor ordinances within the City, and will LPD be enforcing liquor laws on City golf courses.

Mr. Johnson said LPD and the State would be in charge of overseeing the liquor license and if there was a violation or concerns they would address that to Mr. Johnson or Mr. Carlson and the issues would be addressed.

Carl Eskridge, Council Member, asked why Holmes Clubhouse was different than the other courses.

Mr. Johnson explained there was public bond financing that was used to pay for the clubhouse. IRS regulations do not allow for a private individual or private business to generate revenue directly from the clubhouse. The City can contract and pay for management services, but the manager cannot derive directly from the sales of merchandise, food and beverage. So in this instance the revenue has to come to the City and then the City pays the management fee. It has to function this way until the bond gets paid off in 2021, and then the operating model can be looked at and potentially changed.

Mr. Camp asked if we have been in violation of the bond since the City has not had the liquor license in place.

Mr. Johnson confirmed they have not been in violation of the bond. The difference in what the City is proposing to do now, as opposed to what the City has been doing for the prior 3 seasons is the golf manager was required to hold the liquor license. In evaluating that, Parks and Rec did have concern that if something were to happen and there was a discontinuation of service with the manager, that would cause a discontinuation of the license and there could be a break in serving alcohol at the course. The City has been in compliance with the bond, but this change provides assurance in ongoing continuity.

Mr. Christensen asked if the City held any other liquor licenses.

Mr. Johnsons confirmed the City does not have any other liquor licenses and this would be the first.

Ms. Lamm inquired if there was anything in the bond that precluded the City from having the manager hold the liquor license.

Mr. Johnson clarified Mr. Carlson cannot derive from the sales. The sales have to go to the City and the City then has to pay Mr. Carlson a specified management fee. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked if there is a cost to the City if the liquor license stopped and had to be reapplied for.

Mr. Johnson stated that if the liquor license were to discontinue it could take another 6 weeks to get another one in place and that would be quite a bit of revenue lost during the 6 weeks time.

This matter was taken under advisement.

APPLICATION OF SUPER BOGEY, LLC DBA THE DUTCH UNCLE FOR A CLASS C LIQUOR LICENSE AT 317 SOUTH 11TH STREET, SUITE A;

MANAGER APPLICATION OF JASON L. HUTCHISON FOR SUPER BOGEY, LLC DBA THE DUTCH UNCLE AT 317 SOUTH 11TH STREET, SUITE A - Jason L. Hutchinson, 4221 S. 32nd, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF ICHIBAN SICHUAN LINCOLN, LLC DBA ICHIBAN SICHUAN FOR A CLASS I LIQUOR LICENSE AT 151 NORTH 8TH STREET, SUITE 100;

MANAGER APPLICATION OF JASON C. DIONG FOR ICHIBAN SICHUAN LINCOLN, LLC DBA ICHIBAN SICHUAN AT 151 NORTH 8TH STREET, SUITE 100 - Jason Diong, 151 N. 8th Street, Suite 100, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF LEGENDS HAYMARKET, LLC DBA LEGENDS PATIO GRILL AND BAR FOR A CLASS C LIQUOR LICENSE AT 801 R STREET, SUITE 100;

MANAGER APPLICATION OF JAMES A. LOCKE FOR LEGENDS HAYMARKET, LLC DBA LEGENDS PATIO GRILL AND BAR AT 801 R STREET, SUITE 100 - Nick Saldi, 1403 N. 181st Street, applicant, came forward to take the oath and requested approval.

Jon Camp, Council Member, inquired about the DUI's of both Mr. Saldi and Mr. Locke.

Mr. Saldi explained he was at a fundraiser and made a bad decision to drive. There were no accidents that occurred and he was fully cooperative with the process. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF CHRISTOPHER J. MOORE FOR GRANITE CITY RESTAURANT OPERATIONS, INC. DBA GRANITE CITY FOOD & BREWERY AT 6200 O STREET - Christopher J. Moore, 7749 S. 28th Street, applicant, came forward to take the oath and requested approval.
This matter was taken under advisement.

MANAGER APPLICATIONS OF BRIAN D. HEXSEL FOR CHIPOTLE MEXICAN GRILL, INC. DBA CHIPOTLE MEXICAN GRILL #673 AT 2801 PINE LAKE ROAD, SUITE V; CHIPOTLE MEXICAN GRILL #1651 AT 1317 Q STREET, SUITE 100; AND CHIPOTLE MEXICAN GRILL #2006 AT 6005 Q STREET, SUITE A - Robert Markoff, 5211 Seward Street, Omaha, applicant, came forward to take the oath and requested approval.
This matter was taken under advisement.

AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$1,700,000 IN TIF FUNDS FOR THE HAYMARKET STREET AND STREETSCAPE PROJECT - David Landis, Director of Urban Development, came forward and explained this item is an amendment to the CIP to allow the department to plan, design and execute a significant amount of work on the sidewalks in the Haymarket. The area consist of 7th, 8th and 9th Street, and from N to S Street. There are a number of locations where curbs and pavers have not settled well, and there are now gaps between the two. This has created an uncomfortable walking condition and if built today, would not meet the ADA standards. This area has been grandfathered so they are not required to be in compliance. There will be work done in the Haymarket on the streets that is scheduled for 2018, and this request getting approved would allow both jobs to be done simotaneously. Both projects scheduled under one contract would allow for the best price. This would also avoid having to do work in that area a second time. The money that is collected comes from three blocks in the Haymarket District. They are part of a district that continues for the next 5 years. This district produces about \$200,000 in resources per year. This will essentially be the source of the funds necessary to complete this project. There are temporary repairs that have been put in place that will only last about 2 years. This is fitting for the time frame of the 2018 project that will be scheduled. The curbs would be replaced with a concrete base. The current work was done on sand and over time, that produced variations of surface levels.

Cyndi Lamm, Council Member, asked for clarification on the TIF Funds if the City is doing the work.

Mr. Landis explained the money comes from private property who's valuations have grown over the last 10 years in a distrcet that includes 3 blocks in a downtown area. They are TIF Funds from money that is collected on private property valuations.

Ms. Lamm asked if it is currently the City's money.

Mr. Landis confirmed some of the money is in the City's possession now. When all the work and the resources are complete there will be about \$300,000 left in existing resources. Every year because of the growth of valuation in those 3 blocks there are \$270,000 of tax increment per year. That will include years 2017, 2018, 2019, 2020, and 2021. With the resources that will ultimately be filtered out with what they have now and the taxes collected for those 3 blocks over the next 5 years, that will total the money of the project.

Ms. Lamm asked if the money was going to be borrowed for this project.

Mr. Landis clarified that the money has to be up front to pay for the work to be done. The project will be completed partly through the 5 year period. They will have the resources and 2 years of tax increments, but there will need to be some up front money. This will be a small TIF project that is an interfund borrowing from other places that the City owns. That money will be used and then be replaced with the TIF dollars. This will allow the opportunity to upfront the funds at one time to pay for the repairs and pay the contractors, but then collect it over 5 years. This will not be completed with any general funds.

Ms. Lamm inquired if this was currently in the CIP.

Mr. Landis shared this is not currently in the CIP. It was unaware if they were going to fix this permanently or as a temporary solution. This amendment will add the \$1.7 to the CIP. Discussion followed.

Trent Fellers, Council Member, stated there is additional increment that has been created by the valuation of the property, and Council is being asked over a period of time to finance these improvements with the additional increment, and if Council did not approve this project where would the funds go.

Mr. Landis said the funds would be available for another project that Council would agree on. If there was no project that was agreed upon the district would come to an end, and the resources could be distributed to the County, schools, or the NRD's.

Mr. Fellers asked if the project was over that the increments had been created for, or if it was being extended.

Mr. Landis explained the increments did not come from individual projects. This is a district and the area exist so as time goes on it would grow.

Mr. Fellers clarified that is area rather than a project TIF.

Mr. Landis confirmed that to be true.

Carl Eskridge, Council Member, stated that Linda Hubka, the individual who runs the Farmers Market has contracted him with concerns of people falling and inquired if this project would eliminate those concerns.

Mr. Landis stated they first want to keep the historic feel for the Haymarket area, and also want the area to meet standards, which at this time it does not. In an area like this with a heavy level of pedestrian traffic you want well desinged sidewalks and walkways, and they are currently not well designed.

Mr. Eskridge stated part of the challenge with the downtown infrastructure with alleys and areas such as this. There is no funding mechanism in place to really address those needs.

Mr. Landis shared the work is being done from resources from this exact area and the business growth in valuation. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked if there was an expiration of the TIF district.

Mr. Landis stated the expiration is in 2021.

Daryl Naumann, Lincoln Haymarket Development Corporation, 1035 S. 35th Street, came forward in support.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULES TO BECOME EFFECTIVE JANUARY 1, 2017;

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2017 TO BECOME EFFECTIVE JANUARY 1, 2017 - Laura Kapustka, Vice President and Chief Financial Officer of LES, came forward and shared this budget would be effective January, 2017. There are a number of financial targets that LES tries to achieve in their budgets. This budget does meet the debt service coverage, meets the cash on hand target, and moves towards the other targets. At the end of 2017, in accordance with this budget they would remain at \$28.5 million in their rate stabilization fund, which would consider LES to be fully funded. This budget does not call for any longterm financing. LES is asking for a 3% rate increase, and the biggest driver of the costs for 2017 is the net power costs, and increase in transmission expenses, which was almost a \$26 million increase. Offsetting the increase was a result in the refinancing that took place a couple of months ago. This helped lower the principal and interest payments as well as the coverage for 2017. That took about \$17 million off of those increase costs. Retail sales are projected to be slightly lower next year than they were in the 2016 budget. As a result of that, when selling less kilowat hours there needs to be an increase in cost for each hour. There was a total miscellaneous increases and decreases that resulted in additional revenue requirement of \$10.4 million. LES was able to offset some of that increase with additional money that was in their Rate Stabilization Fund that is a result of the Burlington Northern Settlement that was received last year. Using those funds would reduce the rate stabilization down to its target and would not take it below. With all of that there was still a need for a \$7.5 average increase. The Capital Budget for 2017 is about \$8.5 million above what was in the 2016 budget. There are also a few major projects that will be in the 2017 budget: the Laramie River Station Project for \$22.5 million, LES Operations Center for \$19.9 million, SE Lincoln Reliability Program for \$11.2 million, Duct Installation Program for \$4.2 million, and the Underground Rebuilds for \$4.1 million. The Operating Budget reflects an increase of \$21 million in Net Power Costs, depreciation increase of \$2.1 million due to plant additions, \$4.8 million increase in transmission costs due to the Southwest Power Pool Transmission costs. Finally, the operating and maintenance cost, and the administration and general costs has a decrease of about \$1.5 million due to reduction in the Sustainable Energy Program.

Jon Camp, Council Member, asked for clarification on increase of about 50% on the Southwest Power Pool.

Ms. Kapustka explained as members of the SPP there is a transmission costs that needs to be paid. A portion of that increase is tied to a settlement of a historical transmission issue that is for use of transmission lines in the past by others. It was a complicated and complex formula that took a while to be put together and to know how to bill that. They have now created the model and have begun to bill LES. Majority of that increase is related to just that historical use, there are also some ongoing increase costs at the SPP.

Kevin Wailes, CEO of LES, came forward and stated 50% is a big increase, but this goes back a couple of years and is based on the historical use, but also relates to projects that were built and the costs were not fully allocated back to the individuals who built it from those who used it. Discussion followed.

Ms. Kapustka shared the details in the increase of the Net Power Costs is power purchased and power reduced, which is the costs to generate energy or buy energy. All of which is sold into the SPP. There is also wholesale revenue, which is SPP paying LES for the revenue that is being put into the market. Natural gas prices is also a factor when completing the budget, and this years budget is a little more conservative when looking at natural gas prices. Locational Marginal Prices are also more conservative with the 2017 budget. LES typically bases their rates on costs of service. A 3.5% rate increase results in 97% cost of service. Rate restructuring was also included in the proposal due to 79% of costs that are incurred are fixed in nature, but 12% of revenue comes in a fixed way. These changes only impact the non demand customers. On a residential electric bill it will currently have a customers and facility charge together, and the proposal moving forward is to separate that and to have a customer charge and a facility charge separate. Those two have different costs that go into them and this change makes it more transparent as to what the costs go towards. Another thing with the proposal is within the facility charge they are breaking that down into three levels based on customer usage. A lot of analysis were performed and they were able to determine that there are different costs to serve different size customers. The level of residential customers will be determined in January with the potential to adjust that every January. The amount in the budget resolution is not the net power costs, it is just the power costs. Each year there is funding in the budget for the Energy Assistance Program that started in 2001, and those funds are provided to customers having a hard time making payments on their bills. This work is done by the Community Action Program. When a rate analysis is performed that includes the fixed charges, franchise fees, and energy costs adjustments. A national rate study is also performed which consist of looking at 100 different cities across the United States and different usage levels for customers are looked at. In that study LES was 13th lowest.

Mr. Wailes shared they looked at the 10 utilities that are higher than LES with respect to the residential sector and decided to figure out the value of public power. They took the average of the 10 higher cities and adjusted it with the average use per customer and took that times 12 to find an annual cost,

then times that by the number of customers. The difference represents \$35.4 million. A significant factor is the discretionary income that is being put into the community as opposed to someone served at the average rate of the other cities in the region.

Leirion Gaylor Baird, Council Chair, asked for clarification on how the new rate charges help low income families, and more specific those in an apartment complex who might be charged a higher rate if there was no adjustment for usage.

Ms. Kapustka explained breaking the usage into three levels is what will help some families. Level one is less than 800 kilowatts a month, and the facility charge will be \$10.50/month, and a customer charge would be \$5.00/month, with a total of \$15.50 per month. There are about 60% of customers in that block, and there is also a large portion of multi family dwellings in that group. A number of low income families are also in the group. If they kept the rate the same as before and paid a flat rate across the board they would be paying about \$6.00 or \$7.00 more. Discussion followed.

Jane Raybould, Council Member, asked about the Sustainability Fund and some of the reasons behind the reduction.

Ms. Kapustka shared they are moving from \$3 million this year to \$2 million next year. An external consultant performed a study on that program. The end goal is to make sure what is being paid is appropriate and make sure it benefits LES and their customers. The study gave ways to measure the benefits and the impacts of the program and as a result of that they were able to move ahead with eliminating some of the lighting programs. That is because the lighting that was being insenting has become the standard in the industry and there is no reason to continue to insent that anymore. There have also been reductions in the heat pump programs, and that is also to find the right insentive in that category. There will be a piloted program in 2017 to try and target multi-family units and to allow a direct install for LED's, and low flow shower heads. In those programs they would be providing LED's and shower heads to the apartment maintaince and asking them to do the installation.

Ms. Gaylor Baird asked about the Integrated Resource Plan.

Ms. Kapustka stated in combination with the SEP Program, the Integrated Resource Plan will be updated next year. The Integrated Resource Plan tells LES when they need resources for their customers. Those two go hand in hand as they look at what are the benefits they are getting from the Sustainable Energy Program and how that impacts the need for resources. Discussion followed.

Andy Polick, Rembolt Ludtke Law Firm, 1128 Lincoln Mall, Suite 300, came forward representing Lincoln Employee Coilition who are a group of high volume electricity users. The coilition does not fully agree with the increase, but they do understand the increase and it has been fully explained. They remain neutral on the proposed 2017 budget. Discussion followed.

Richard Draper, 2315 N. 89th Street, came forward in opposition.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN B&J PARTNERSHIP, LTD. AND THE CITY OF LINCOLN DBA CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT FOR A LEASE OF OFFICE SPACE AT 850 Q STREET FOR THE PERIOD OF MARCH 1, 2016 THROUGH FEBRUARY 29, 2020 - David Landis, Director of Urban Development, came forward and explained their parking offices are under the Haymarket garage and have been there for the past 8 years. The landlord is B&J Partnership and it is a good location for people to pay their parking tickets. It is about \$12.00 per square foot. This is to renew for another 4 years with a 3% escalator for those years.

This matter was taken under advisement.

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MOHAMMED H AL-SADY AND RAKAD H AL LATEEF FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 629 SOUTH 19TH STREET - David Landis, Director of Urban Development, came forward and shared this is a case of City constructed affordable housing. This is to get rid of conditions that are problematical for the community. The house needed a lot of work and was purchased for \$22,000. The house was then demolished and federal funds were used to do all the work. The money came from the Federal Government in the form of home funds which are to be spent on behalf of low and moderate income people. The City has a willing buyer to purchase the property at \$115,000. The Neighborhood Association was thrilled that the work was being done in the neighborhood.

Jon Camp, Council Member, asked about the amount of funds used to rebuild the house.

Mr. Landis clarified about \$200,000 was spent on the project and they will sell it for \$115,000.

This matter was taken under advisement.

CHANGE OF ZONE 16027 – APPLICATION OF BRYAN MEDICAL CENTER FOR A CHANGE OF ZONE TO REMOVE THE LANDMARK DESIGNATION FROM THAT PORTION OF THE BRYAN MEDICAL CENTER WEST CAMPUS THAT FORMERLY HOUSED THE SOPHY TEETER’S NURSES HOME, ON PROPERTY GENERALLY LOCATED AT 1650 LAKE STREET - Danay Kalkowski, Seacrest and Kalkowski Law Offices, 1111 Lincoln Mall, Suite 350, came forward on behalf of Bryan Medical Center and shared this change of zone removes the landmark designation and brings it up to date with what the current situation is. Bryan obtained a certificate of allowance for the demolition of the Sophy Teeter's building on the west campus. The building has been demolished and replaced by Memorial Garden that was approved by special permit on the campus. There is no longer a purpose for the landmark overlay that originally existed on this site. The Historical Preservation Commission approved the removal as did the Planning Commission. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 68**

****Council Chair Gaylor Baird left chambers at 7:18 p.m.****

****Council Chair Gaylor Baird returned to chambers at 7:20 p.m.****

ANNEXATION 16011 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 16-108, 16-109);

CHANGE OF ZONE 16032 – APPLICATION OF ROKEBY HOLDINGS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 16-108, 16-109) - Darrick Rademacher, Civil Design Group, 8535 Executive Woods Drive, Suite 200, came forward on behalf of Rokeby Holdings Limited and shared this is the next phase of a preliminary plat that was approved several years ago.

This matter was taken under advisement.

ANNEXATION 16012 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 16-111, 16-110);

CHANGE OF ZONE 04075G – APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND B-3 COMMERCIAL DISTRICT; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT DISTRICT; AND APPROVING A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS TO PROVIDE APPROXIMATELY 12.5 ACRES FOR A PLACE OF RELIGIOUS ASSEMBLY, AND APPROXIMATELY 2.5 ACRES FOR NEIGHBORHOOD COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 16-111, 16-110) - Danay Kalkowski, Seacrest and Kalkowski Law Offices, 1111 Lincoln Mall, Suite 350, came forward appearing on behalf of 1640 LLC and White Holdings, and stated this annexation is to add 16.4 acres to the Village Gardens PUD. 12.5 acres are getting rezoned to R3 PUD. The south 2 acres will be zoned as B3 PUD for commercial use with the anticipation of the rest of the property as it develops. This request is in conformance with the Comp Plan and is the next step in the development.

This matter was taken under advisement.

APPROVING AN UPDATED MASTER PLAN FOR WOODS PARK FOR ADJUSTMENT OF PARKING LOTS TO ACCOMMODATE EXPANDED USES AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16);

APPROVING A CONSTRUCTION AND GROUND LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO, GOVERNING THE LEASE OF CURRENT AND EXPANDED FOOTPRINT OF LINCOLN CHILDREN'S ZOO TOGETHER WITH THE SCIENCE FOCUS PROGRAM/ZOO SCHOOL FOR STUDENTS OPERATED BY LPS ON THE TRIANGLE, GENERALLY BOUNDED BY 27TH STREET, NORMAL BOULEVARD, AND A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);

APPROVING A REAL ESTATE PURCHASE AGREEMENT OF PARKING AREA BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO FOR THE SALE OF CITY OWNED PARKING LOT GENERALLY LOCATED AT 2847 SOUTH A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);

APPROVING AN OPERATING AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO, GOVERNING ONGOING OPERATION OF LINCOLN CHILDREN'S ZOO ON LEASED CITY PROPERTY. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);

AMENDING TITLE 12 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS BY REPEALING CHAPTER 12.36 ENTITLED "LINCOLN CHILDREN'S ZOO" IN ITS ENTIRETY BY REPEALING SECTIONS 12.36.010, 12.36.020, 12.36.030, 12.36.040, 12.36.050, 12.36.060, 12.36.070, 12.36.080, AND 12.36.090. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);

COMP. PLAN CONFORMANCE 16005 – DECLARING APPROXIMATELY 30,139 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 2847 A STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);

TEXT AMENDMENT 16010 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.170 TO PROVIDE THAT A PARKING LOT MAY BE ALLOWED BY SPECIAL PERMIT IN THE R-1 THROUGH R-8 ZONING DISTRICTS AND IN THE O-2 ZONING DISTRICT IF THE PARKING LOT IS LOCATED WITHIN 360 FEET FROM PROPERTY OCCUPIED BY A ZOO AND THE PARKING LOT IS PRIMARILY USED IN CONNECTION WITH SAID ZOO, AND REPEALING SECTION 27.63.170 AS HITHERTO EXISTING. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);

- STREET & ALLEY VACATION 16005 – VACATING A PORTION OF SOUTH 29TH STREET RIGHT-OF-WAY, A PORTION OF THE EAST-WEST ALLEY LOCATED IN BLOCK 2, ZEHRUNG AND AMES ADDITION, AND A PORTION OF WASHINGTON STREET RIGHT-OF-WAY, GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);
- CHANGE OF ZONE 16028 – APPLICATION OF THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116);
- SPECIAL PERMIT 16047 – APPLICATION OF OPAHC PROPERTIES, LLC TO CONSTRUCT AN ADDITIONAL PARKING LOT, INCLUDING WAIVERS TO SETBACKS AND STORM WATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16);
- WAIVER 16007 – APPLICATION OF OPAHC PROPERTIES, LLC TO WAIVE PARKING LOT SURFACING REQUIREMENTS, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16);
- CHANGE OF ZONE 16022 – APPLICATION OF THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT TO DESIGNATE THE AGER BUILDING ON ANTELOPE PARK TRIANGLE EAST OF 27TH AND B STREETS AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM P PUBLIC USE TO P PUBLIC USE WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 1300 SOUTH 27TH STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - Tom Huston, Cline Williams Wright Johnson & Oldfather Law Firm, 233 S. 13th Street, Suite 1900, came forward and shared the Zoo has existed on the triangle for over 80 years. The Zoo is a Nebraska non-profit corporation that is separate and distinct from the City of Lincoln. In 2015, there were over 218,000 visitors to the Zoo and that covers an operational field of about 7-8 months on an annual basis. The Zoo attracts about \$7.65 million in new spending to our City and County. The Zoo is 100% self sufficient with no City funding. The plan with the Zoo is to take it to a 12 month year round operation. The Zoo and the Parks Department have worked together to come up with an extensive public process over the last few years. In 2013, the Lincoln Children's Zoo Board of Directors passed its resolution. In 2015, open houses were held, and Parks and Rec undertook a survey, which indicated that 93% of the respondents supported the Zoo expansion. This year, the project has gone to the Urban Design Committee twice, and on October 28, the Planning Commission approved the 6 items that pertained to the parking lot south of A Street for overflow parking. There will be a new entry way, new Zoo School expansion, additional exhibition space, and new repurposing of the Ager Building that currently exist along 27th Street. The item south of A Street deals with the surplus of property, and the purchase of that property by the Zoo for \$275,000. The text amendment that would permit Zoo parking within the residential district. The change of zone will take the current B3 zoning and change it to an R6 to make it consistent. The special permit will allow the parking lot in the residential district that it will be subject to the parking lot design standards, and will be subject to the screening requirements. There is also a waiver request for the phase 2 parking to permit the Zoo to defer surplusing for up to two years. The Construction and Ground Lease Agreement includes parcel 1, which is the existing footprint of the Zoo, parcel 2, which is the expanded footprint, and parcel 3, which is south of A Street. The Agreement does not include the Rose Garden, Perennial Garden, parking for those gardens, the Rock Island Bike Path, and finally, it does not include the buffer along 27th Street and along A Street. The terms of the lease is for a 50 year term and require payments to the City by the Zoo for \$925,000 at lease signing. This is for the design and construction of the new home for the Parks & Rec Department. There will be an additional payment of \$325,000 to be paid in 3 installments to allow the City to acquire additional green space. That coupled with the consideration on the Real Estate Purchase Agreement would total \$600,000 for usage by the City and acquiring additional green space. The parking for the Zoo is located in the southwest corner of the triangle, this being at the recommendation of some of the public process that occurred. Additional overflow and staff parking will be located south of A Street. The Construction and Ground Lease Agreement does provide consent for the sublease by the Zoo to Lincoln Public Schools for the continuation of the science focus program, which is in its 20th year. The Operating Agreement deals with more of the day-to-day issues. Under this Agreement the City has retained the right to approve the admission fee structure and retained the right to approve hours of operation. This Agreement obligates the Zoo to maintain its accreditation that they have maintained for 25 years by a nationally recognized body. This Agreement provides that the Zoo will own title to the improvements and the animals, and finally, it requires the Zoo to establish and endowment of \$500,000 for capital repairs and maintenance of this project.
- Lynn Johnson, Director of Parks and Recreation, came forward and explained this process has been ongoing since 2013 and involved 4 City Advisory Boards. There was a community survey with over 2,100 individuals completing the survey, and 93% of the respondents indicated they would like to see the Zoo expand, 80% said they supported expansion on the Antelope Park Triangle, and 47% said that parking was only sometimes adequate or not adequate at all when visiting the Zoo. The Zoo had open houses in March, 2015 and in May, 2016. The Master Plan being presented represents an evaluation and a balancing of the various recommendations and advice. The recommendations for modifications to the Master Plan for Woods Park. Woods Park is unique within the parks system as it is the only park that has a Master Plan that has been approved by Council. It was established in the early 90's and has been revised a number of times.

The revisions being presented are primarily about parking. When the Health Department went through their expansion about 10 years ago there was a 3rd story built on the Health Department building. At that time it was unknown who the tenant would be for that space. There was also parking that was not built for that additional space. It was deferred and the parking solution was later identified once a tenant was identified. The proposal indicates 30 additional parking spots south of the existing Health Department building for employee parking with access off Rogers Memorial Drive. Through consultation with the Woods Park Neighborhood Association and the Witherbee Neighborhood Association, the recommendation would be to consolidate an existing parking lot with the current lot. This then would be a total of 45 spaces instead of the 30 spaces being proposed. This consolidation would then open up additional green space. It is important to note that this is also shared parking. During business hours it would be for the 30 Parks and Rec staff who occupy that 3rd floor, but this is also park parking and would be available to the park users on evenings and weekends. The Witherbee Neighborhood Association has expressed opposition to this plan because of the impact on losing green space. The Woods Park Neighborhood Association is supportive, but they have a number of conditions. They would like to see some improvements to the park, creating a new walkway, and eliminating an old walkway. These would occur in conjunction with the parking improvements. This would result in about a quarter of an acre that would be converted from green space to parking. There has been an evaluation of park land in the central portion area of Lincoln. Over the past 15 years, nearly 47 acres of new park land has been added in the central portion of Lincoln. The Parks and Rec Advisory Board voted 7-6 in opposition to the revised Woods Park Master Plan. The majority of that vote had concern with the lose of green space. Discussion followed.

Cyndi Lamm, Council Member, asked if there would be any incumbrances that would require the City to jump through any federal hoops.

Mr. Johnson stated he hoped that would not be the case. Woods Park is not dedicated park land. When the Woods Family gave the gift that was used for aquasition of the land, it was given for municipal purposes so we do not have dedicated park land issues. However, there has been federal land and water conservation funds used a couple of differenct times when developing the park. When the Health Department expanded there was a conversion process and the area that is occupied by a portion of the building and the parking to the east, they acquired 15 acres of park land to replace that. This is still a question that is waiting to be answered by the Game and Parks Commission. Everything has been submitted and they have been asked to expedite their review.

Carl Eskridge, Council Member, asked what will happen to the bike trail at the Zoo.

Mr. Johnson confirmed the bike trail will remain as it is.

Mr. Eskridge inquired about the conditions of the field at Woods Park and the long term solution to improve those fields.

Mr. Johnson explained the fields gets used in the spring as soon as the snow is off the ground and they are continuously used through the fall. On thing that is included in the Capital Improvement Program is to establish an irrigation well and irrigate those fields. That would allow the fields to be kept in much better conditions than they are today. Presently there is no way to stay ahead of the amount of use and keep good quality turf on the play fields.

Jane Raybould, Council Member, asked if they consolidate the parking, what would happen to the space where the smaller parking lot is currently.

Mr. Johnson said it could be another playing field. The Wooks Park Master Plan states that it can be used for community gardens, or something similar. They are still looking for uses in that area.

Ms. Lamm asked for clairity on which items they were asking to hold the hearing open on.

Jeff Kirkpatrick, City Attorney, came forward and clarified that since all the items are related it would be suggested that Council hold all the items open for Public Hearing.

**** Council Member Fellers left Chambers at 7:50 p.m.****

****Council Member Fellers returned to Chambers at 7:52 p.m.****

Ms. Gaylor Baird asked for confirmation of the Gardens being outside the Zoo and the Lease Agreement to reduce the green space in the future.

Mr. Johnson confirmed the 50 year Lease Agreement would not include the Cascade Fountain, Strolling Garden, Rose Garden, the front lawn of the Ager Building, the 50 foot buffer along 27th Street, and a 15 foot buffer along A Street. These areas will continue to be under Parks and Recreation operation and maintenance. This would establish some additional public parking for the Gardens that are on the triangle as well as the Sunken Gardens. Parks is working colabortively with the Zoo to create a landscape buffer along the east edge of the Garden and landscape the area to the east of the parking lot.

Ms. Gaylor Baird inquired about where landscaping is required throughout the project and to help mitigate change.

Mr. Johnson shared that there is a 50 foot landscape buffer between the east edge of 27th Street and the parking lot. Along A Street there would be a 15 foot heavily landscaped buffer. There will be a granite ring in front of the Ager Building that will be landscaped as well.

Ms. Gaylor Baird asked what the neighbors to the south could expect in terms of screening.

Mr. Johnson confirmed the intent would be to create a burm and raise the height to provide a little bit of screening protection from vehicles parked in the area. It is an irrigated area and landscaping should grow quickly. The intent would be to select plant material to create a screening as quickly as possible. Discussion followed.

Ms. Gaylor Baird asked if the Lady Liberty Memorial and the donor panels would be moved.

Mr. Johnson stated the Lady Liberty is located in the area just to the east of the Ager Building. They have worked with the Veterans Memorial Advisory Council and the recommendation is that Lady Liberty be moved to the Veterans Garden. There is a provision in the Agreement that the Zoo would provide up to \$15,000 for the relocation expenses and to build an appropriate base for the statue, and for lighting. The Lady Liberty Statue has already been taken down to be refurbished before being placed at the Veterans Garden. The donor panels associated with Liberty Plaza would be placed in storage at this point and hold on to them until there is a project that is appropriate to incorporate those granite panels.

Ms. Gaylor Baird asked if the panels were associated with Lady Liberty or just general Parks Foundation Donors.

Mr. Johnson confirmed the panels are not associated with Lady Liberty.

Mr. Camp stated he felt the panels had to do with donors that contributed to Lady Liberty.

Mr. Johnson clarified there is 1 panel associated with Lady Liberty from 1983. It still seems appropriate to hold on to the plaque until a better place is found to place that plaque because it was for the entire plaza and that included Lady Liberty.

Ms. Gaylor Baird stated there has been a lot of care to preserve the Ager Building and if it is an exhibit there where will children be able to play indoors and the alternative options for families.

Mr. Johnson shared the vision for the future of the Ager Building is that it be a consolidation of prior use, and for many years it was an indoor Zoo building. Since 1995, it has been an indoor playground and now there will be opportunities to have indoor animal exhibits and an option for indoor play. The Zoo will now provide some opportunity in that building that does not exist today. Discussion followed.

Stacey Hageman, Planning Department, came forward and shared the change of zone of the Ager Building and the site that was included in the landmark designation surrounds the building and extends out to 27th Street to capture the landscaping in front of the building. The area is south of the Zoo's existing parking lot and the expansion of the Zoo will return the Ager Building to its original use as a year round animal exhibit. In order to provide access to the parking lot on the south the drive is being proposed to cross in front of the Ager Building. There are preservation guidelines that go along with the landmark designation and the landscaped area between the building and the street to maintain an unobstructive view from 27th. The plans all went to the Historic Preservation Commission who recommended the approval to the Planning Commission.

Deb Andrews, 1235 A Street, came forward and stated she is neutral on this project.

Greg Dynek, 8235 Dundee Drive, Board Chair of the Lincoln Children's Zoo, came forward in support.

Emily Villa, 3525 Hillside Circle, came forward in support.

Rosina Paolini, 1850 Dakota Street, came forward in support.

Joel Sartore, 2733 Sheridan Blvd, came forward in support.

Nick Cusick, 6400 Westshore Drive, came forward in support.

Walter Canney, 2111 S. 66th Street, came forward in opposition.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER 30, 2016 - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90082 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ending September 30, 2016 \$129,053.21 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON OCTOBER 31, 2016 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON NOVEMBER 7, 2016 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON AUGUST 31, 2016 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 72**

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON SEPTEMBER 30, 2016 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF JUNE, 2015 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF FEBRUARY, 2014 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF JUNE, 2015 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF JULY, 2015 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

AFFIDAVIT OF MAILING FOR THE ASSESSMENT OF WEED ABATEMENT BY THE COUNTY WEED CONTROL AUTHORITY FOR THE CALENDAR YEAR JANUARY 1, 2016 THROUGH DECEMBER 31, 2016 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF DAVID A. GUILLORY FOR KWIK SHOP, INC. DBA KWIK SHOP #632 AT 5900 FREMONT STREET, KWIK SHOP #634 AT 2940 NORTH 14TH STREET, KWIK SHOP #635 AT 2330 NORTH 1ST STREET, KWIK SHOP #641 AT 2811 NORTH 48TH STREET, KWIK SHOP #650 AT 5600 HOLDREGE STREET, KWIK SHOP #663 AT 4400 CORNHUSKER HIGHWAY, AND KWIK SHOP #680 AT 1441 NORTH COTNER BOULEVARD - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90083 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of David A. Guillory for Kwik Shop, Inc. dba Kwik Shop #632 at 5900 Fremont Street, Kwik Shop #634 at 2940 North 14th Street, Kwik Shop #635 at 2330 North 1st Street, Kwik Shop #641 at 2811 North 48th Street, Kwik Shop #650 at 5600 Holdrege Street, Kwik Shop #663 at 4400 Cornhusker Highway, and Kwik Shop #680 at 1441 North Cotner Boulevard.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF LESLIE A. SMITH FOR WFM NEBRASKA LLC DBA WHOLE FOODS MARKET AT 6055 O STREET - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90084 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Leslie A. Smith for WFM Nebraska LLC dba Whole Foods Market at 6055 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ERICA ALDANA FOR GREENFIELDS CAFÉ INC. DBA GREENFIELD'S CAFÉ AT 7900 S. 87TH STREET - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90085 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Erica Aldana for Greenfields Café Inc. dba Greenfield's Café at 7900 S. 87th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2016 AT 3:00 P.M. ON THE APPLICATION OF HALFTIME SPORTS BAR AND GRILL LLC DBA HALFTIME SPORTS BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 300 W. P STREET - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90086 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Halftime Sports Bar and Grill LLC dba Halftime Sports Bar and Grill for a Class I Liquor License at 300 W. P Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2016 AT 3:00 P.M. ON THE APPLICATION OF WALGREEN CO. DBA WALGREENS #4753 FOR A CLASS D LIQUOR LICENSE AT 1404 SUPERIOR STREET - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90087 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Walgreen Co. dba Walgreens #4753 for a Class D Liquor License at 1404 Superior Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2016 AT 3:00 P.M. ON THE APPLICATION OF AMBROSIA HOSPITALITY LLC DBA KURRY EXPRESS FOR A CLASS C LIQUOR LICENSE AT 1501 PINE LAKE ROAD - DEPUTY Clerk read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-90088 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Ambrosia Hospitality LLC dba Kurry Express for a Class C Liquor License at 1501 Pine Lake Road, Suite 5.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 16067, to Change of Zone No. 11024, North Hills PUD, approved by the Planning Director on November 3, 2016, to amend the site layout on the western portion of the site, generally located at N. 14th Street and Fletcher Avenue.

Administrative Amendment No. 16016, to Change of Zone No. 05054D, Prairie Village North PUD, approved by the Planning Director on November 10, 2016, to allow tandem parking, generally located at N. 89th and Fremont Streets.

LIQUOR RESOLUTIONS

APPLICATION OF CITY OF LINCOLN DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90089 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of City of Lincoln dba Holmes Golf Course for a Class "C" liquor license at 3701 South 70th Street, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 74**

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Lamm.

MANAGER APPLICATION OF SCOTT D. CARLSON FOR CITY OF LINCOLN DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90090 WHEREAS, City of Lincoln dba Holmes Golf Course located at 3701 South 70th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Scott D. Carlson be named manager;

WHEREAS, Scott D. Carlson appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Scott D. Carlson be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Lamm.

APPLICATION OF SUPER BOGEY, LLC DBA THE DUTCH UNCLE FOR A CLASS C LIQUOR LICENSE AT 317 SOUTH 11TH STREET, SUITE A - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90091 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Super Bogey, LLC dba The Dutch Uncle for a Class "C" liquor license at 317 South 11th Street, Suite A, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JASON L. HUTCHISON FOR SUPER BOGEY, LLC DBA THE DUTCH UNCLE AT 317 SOUTH 11TH STREET, SUITE A - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90092 WHEREAS, Super Bogey, LLC dba The Dutch Uncle located at 317 South 11th Street, Suite A, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jason L. Hutchison be named manager;

WHEREAS, Jason L. Hutchison appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jason L. Hutchison be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ICHIBAN SICHUAN LINCOLN, LLC DBA ICHIBAN SICHUAN FOR A CLASS I LIQUOR LICENSE AT 151 NORTH 8TH STREET, SUITE 100 - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90093 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Ichiban Sichuan Lincoln, LLC dba Ichiban Sichuan for a Class "I" liquor license at 151 North 8th Street, Suite 100, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. The applicant obtains a valid Sidewalk Café Permit, including the parking requirements.

2. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

3. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

4. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JASON C. DIONG FOR ICHIBAN SICHUAN LINCOLN, LLC DBA ICHIBAN SICHUAN AT 151 NORTH 8TH STREET, SUITE 100 - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90094 WHEREAS, Ichiban Sichuan Lincoln, LLC dba Ichiban Sichuan located at 151 North 8th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jason C. Diong be named manager;

WHEREAS, Jason C. Diong appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jason C. Diong be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF LEGENDS HAYMARKET, LLC DBA LEGENDS PATIO GRILL AND BAR FOR A CLASS CK LIQUOR LICENSE AT 801 R STREET, SUITE 100 - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90095 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Legends Haymarket, LLC dba Legends Patio Grill and Bar for a Class "CK" liquor license at 801 R Street, Suite 100, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JAMES A. LOCKE FOR LEGENDS HAYMARKET, LLC DBA LEGENDS PATIO GRILL AND BAR AT 801 R STREET, SUITE 100 - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90096 WHEREAS, Legends Haymarket, LLC dba Legends Patio Grill and Bar located at 801 R Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that James A. Locke be named manager;

WHEREAS, James A. Locke appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that James A. Locke be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF KYRSTIN A. ALBERTUS FOR DEMPSEY'S LINCOLN INC. DBA DEMPSEY'S BURGER PUB AT 228 NORTH 12TH STREET, SUITE 100 - DEPUTY Clerk stated applicant withdrew application, no further Action by Council needed.

MANAGER APPLICATION OF CHRISTOPHER J. MOORE FOR GRANITE CITY RESTAURANT OPERATIONS, INC. DBA GRANITE CITY FOOD & BREWERY AT 6200 O STREET - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 76**

A-90097 WHEREAS, Granite City Restaurant Operations dba Granite City Food & Brewery located at 6200 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Christopher J. Moore be named manager;

WHEREAS, Christopher J. Moore appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Christopher J. Moore be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATIONS OF BRIAN D. HEXSEL FOR CHIPOTLE MEXICAN GRILL, INC. DBA CHIPOTLE MEXICAN GRILL #673 AT 2801 PINE LAKE ROAD, SUITE V; CHIPOTLE MEXICAN GRILL #1651 AT 1317 Q STREET, SUITE 100; AND CHIPOTLE MEXICAN GRILL #2006 AT 6005 Q STREET, SUITE A - DEPUTY Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-90098 WHEREAS, Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill #673 located at 2801 Pine Lake Road, Suite V; Chipotle Mexican Grill #1651 located at 1317 Q Street, Suite 100; and Chipotle Mexican Grill #2006 located at 6005 O Street, Suite A, Lincoln, Nebraska have been approved for Retail Class "I" liquor licenses, and now requests that Brian D. Hexsel be named manager;

WHEREAS, Brian D. Hexsel appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Brian D. Hexsel be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$1,700,000 IN TIF FUNDS FOR THE HAYMARKET STREET AND STREETScape PROJECT - DEPUTY Clerk read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90099 WHEREAS, Resolution No. A-89947, adopted by the City Council of Lincoln, Nebraska on August 22, 2016, amended the fiscal year 2016-2018 annual budgets for the City of Lincoln for the 2016-2017 fiscal year and further adopted the Capital Improvement Program attached to Resolution No. A-89947 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2016 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-89947 as Schedule 5 to establish the Haymarket Street and Streetscape Project as a capital improvement project within the adopted Capital Improvement Program to construct public street improvements and provide streetscape amenities associated with approved projects in the Lincoln Center Redevelopment Plan, including the Haymarket 7th & 8th Core, North Haymarket Arts and Humanities Center – Phase I (Sawmill) and Phase II (Hotel), Haymarket Hotel and Tool House, South Haymarket – Phase I Collegiate Housing, and West Haymarket, including Schwarz and the future Lumberworks Liner Building Project; and (2) transferring and establishing appropriations in the amount of \$1,700,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, “The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process.” The Charter definition of “Planning Department” includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the proposed improvements to be constructed as part of the Haymarket Street and Streetscape Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the above described redevelopment projects within the Lincoln Center Redevelopment Plan, and the Planning Commission found the proposed improvements to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That Haymarket Street and Streetscape CIP Project to implement the aforementioned Lincoln Center Redevelopment Plan, Redevelopment Projects, and to pay improvements costs associated with said CIP Project, is hereby established and added to the Urban Development Department’s list of fiscal year 2016-17 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-89947 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$1,700,000.00 of Tax Increment Financing funds from the aforementioned Redevelopment Projects for this Haymarket Street and Streetscape CIP Project.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSTAINED: Camp.

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULES TO BECOME EFFECTIVE JANUARY 1, 2017 - PRIOR to reading:

CHRISTENSEN Moved to delay Action on Bill 16R-243 for 2 weeks to 12/05/16.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2017 TO BECOME EFFECTIVE JANUARY 1, 2017 - PRIOR to reading:

CHRISTENSEN Moved to delay Action on Bill 16R-244 for 2 weeks to 12/05/16.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16-31, 2016 - DEPUTY Clerk read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90100 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated November 1, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Minarick Investments LLC	\$ 430.90	Jenifer Rouse	\$2,442.24
Ernest S. Arrigo Revocable Trust	5,820.00	State Farm Insurance a/s/o	
		Cynthia & William Carter	4,276.11
		Linda L. Mendoza	103.90
		Asawar Sajid	2,325.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

APPROVING A LEASE AGREEMENT BETWEEN B&J PARTNERSHIP, LTD. AND THE CITY OF LINCOLN DBA CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT FOR A LEASE OF OFFICE SPACE AT 850 Q STREET FOR THE PERIOD OF MARCH 1, 2016 THROUGH FEBRUARY 29, 2020 - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance accepting and approving a Lease Agreement between B&J Partnership, Ltd. and the City of Lincoln dba City of Lincoln Urban Development Department for a lease of space at 850 Q Street for the period of March 1, 2016 through February 29, 2020, the second time.

APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MOHAMMED H AL-SADY AND RAKAD H AL LATEEF FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 629 SOUTH 19TH STREET - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance authorizing the sale of City owned property generally located at 629 South 19th Street, Lincoln, Nebraska, and approving the Purchase Agreement for the sale of said property between the City of Lincoln and Mohammed H Al-Asady and Rakad H Al Lateef, the second time.

CHANGE OF ZONE 16027 – APPLICATION OF BRYAN MEDICAL CENTER FOR A CHANGE OF ZONE TO REMOVE THE LANDMARK DESIGNATION FROM THAT PORTION OF THE BRYAN MEDICAL CENTER WEST CAMPUS THAT FORMERLY HOUSED THE SOPHY TEETER’S NURSES HOME, ON PROPERTY GENERALLY LOCATED AT 1650 LAKE STREET - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code to repeal the Landmark Designation of the former Sophy Teeter's Nurses Home, on the Bryan Medical Center West Campus, located at 1650 Lake Street, the second time.

ANNEXATION 16011 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 16-108, 16-109) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance annexing and including the below described land as part of the City

**REGULAR MEETING
NOVEMBER 21, 2016
PAGE 78**

of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 16032 – APPLICATION OF ROKEBY HOLDINGS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 16-108, 16-109) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending the Lincoln Zoning Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ANNEXATION 16012 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 16-111, 16-110) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 04075G – APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND B-3 COMMERCIAL DISTRICT; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT DISTRICT; AND APPROVING A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS TO PROVIDE APPROXIMATELY 12.5 ACRES FOR A PLACE OF RELIGIOUS ASSEMBLY, AND APPROXIMATELY 2.5 ACRES FOR NEIGHBORHOOD COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 16-111, 16-110) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING AN UPDATED MASTER PLAN FOR WOODS PARK FOR ADJUSTMENT OF PARKING LOTS TO ACCOMMODATE EXPANDED USES AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16)

APPROVING A CONSTRUCTION AND GROUND LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO, GOVERNING THE LEASE OF CURRENT AND EXPANDED FOOTPRINT OF LINCOLN CHILDREN'S ZOO TOGETHER WITH THE SCIENCE FOCUS PROGRAM/ZOO SCHOOL FOR STUDENTS OPERATED BY LPS ON THE TRIANGLE, GENERALLY BOUNDED BY 27TH STREET, NORMAL BOULEVARD, AND A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance accepting and approving a Construction and Ground Lease Agreement between the City of Lincoln and Lincoln Children's Zoo for the lease of real property generally bounded by 27th Street, Normal Boulevard, and A Street ("the Triangle") in Lincoln, Nebraska, governing the lease of the current and proposed expanded area of the Lincoln Children's Zoo together with the Science Focus Program operated by LPS for its students, the second time.

APPROVING A REAL ESTATE PURCHASE AGREEMENT OF PARKING AREA BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO FOR THE SALE OF CITY OWNED PARKING LOT GENERALLY LOCATED AT 2847 SOUTH A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance approving a Real Estate Purchase Agreement of the parking area between the City of Lincoln and Lincoln Children's Zoo for the sale of the City owned parking lot generally located at 2847 A Street, Lincoln, Nebraska and a portion of an adjacent vacated alley to the south, the second time.

APPROVING AN OPERATING AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO, GOVERNING ONGOING OPERATION OF LINCOLN CHILDREN'S ZOO ON LEASED CITY PROPERTY. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance accepting and approving an Operating Agreement between the City of Lincoln and Lincoln Children's Zoo, governing ongoing operation of Lincoln Children's Zoo on leased City property, the second time.

AMENDING TITLE 12 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS BY REPEALING CHAPTER 12.36 ENTITLED "LINCOLN CHILDREN'S ZOO" IN ITS ENTIRETY BY REPEALING SECTIONS 12.36.010, 12.36.020, 12.36.030, 12.36.040, 12.36.050, 12.36.060, 12.36.070, 12.36.080,

AND 12.36.090. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending Title 12 of the Lincoln Municipal Code relating to Parks by repealing Chapter 12.36 entitled "Lincoln Children's Zoo" in its entirety by repealing Sections 12.36.010, 12.36.020, 12.36.030, 12.36.040, 12.36.050, 12.36.060, 12.36.070, 12.36.080, 12.36.090 due to the contemporaneous approval of a Lease and Construction Agreement and Operating Agreement between the City of Lincoln and Lincoln Children's Zoo, both for fifty (50) year terms, that shall govern continued use and operation of the Lincoln Children's Zoo, the second time.

COMP. PLAN CONFORMANCE 16005 – DECLARING APPROXIMATELY 30,139 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 2847 A STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance declaring approximately 30,139 square feet of City owned property generally located at 2847 A Street as surplus, the second time.

TEXT AMENDMENT 16010 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.170 TO PROVIDE THAT A PARKING LOT MAY BE ALLOWED BY SPECIAL PERMIT IN THE R-1 THROUGH R-8 ZONING DISTRICTS AND IN THE O-2 ZONING DISTRICT IF THE PARKING LOT IS LOCATED WITHIN 360 FEET FROM PROPERTY OCCUPIED BY A ZOO AND THE PARKING LOT IS PRIMARILY USED IN CONNECTION WITH SAID ZOO, AND REPEALING SECTION 27.63.170 AS HITHERTO EXISTING. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.170 to provide that a parking lot may be allowed by special permit in the R-1 through R-8 zoning districts and in the O-2 zoning district if the parking lot is located within 360 feet from property occupied by a zoo and the parking lot is primarily used in connection with said zoo, and repealing Section 27.36.170 as hitherto existing, the second time.

STREET & ALLEY VACATION 16005 – VACATING A PORTION OF SOUTH 29TH STREET RIGHT-OF-WAY, A PORTION OF THE EAST-WEST ALLEY LOCATED IN BLOCK 2, ZEHRUNG AND AMES ADDITION, AND A PORTION OF WASHINGTON STREET RIGHT-OF-WAY, GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance vacating a portion of South 29th Street right-of-way, a portion of the east-west alley located in Block 2, Zehrunge and Ames Addition, and a portion of Washington Street right-of-way, all located in the Northwest Quarter of Section 31, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, generally located at 2847 A Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 16028 – APPLICATION OF THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 16047 – APPLICATION OF OPAHC PROPERTIES, LLC TO CONSTRUCT AN ADDITIONAL PARKING LOT, INCLUDING WAIVERS TO SETBACKS AND STORM WATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16)

WAIVER 16007 – APPLICATION OF OPAHC PROPERTIES, LLC TO WAIVE PARKING LOT SURFACING REQUIREMENTS, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16)

CHANGE OF ZONE 16022 – APPLICATION OF THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT TO DESIGNATE THE AGER BUILDING ON ANTELOPE PARK TRIANGLE EAST OF 27TH AND B STREETS AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM P PUBLIC USE TO P PUBLIC USE WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 1300 SOUTH 27TH STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - DEPUTY Clerk read an ordinance, introduced by Jon Camp, an ordinance amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS - NONE.

RESOLUTIONS - 1ST READING

APPROVING AN AMENDMENT TO CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND CELLCO PARTNERSHIP DBA VERIZON WIRELESS, PURSUANT TO WSCA CONTRACT NO. 1907, STATE OF NE CONTRACT NO. 53233 04, TO EXTEND THE ORIGINAL CONTRACT TERM FROM AUGUST 1, 2012 THROUGH JUNE 30, 2019, WITH NO ADDITIONAL RENEWAL OPTIONS. *(CONSENT)*

APPROVING HOOKSBIZ INC DBA TANNER'S BAR & GRILL AS A KENO SATELLITE AT 6940 A STREET.

APPROVING LINCOLN LEISURE CLUB LLC DBA THE LOCAL AS A KENO SATELLITE AT 2755 JAMIE LANE.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LINCOLN CHAMBER DEVELOPMENT CORP. (LCEDC) FOR THE PROMOTION OF ECONOMIC DEVELOPMENT IN LINCOLN FOR A TWO YEAR TERM COMMENCING SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2018.

APPROVING THE PARTICIPATING PROVIDER AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND NEBRASKA TOTAL CARE, INC. TO ALLOW THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO RECEIVE REIMBURSEMENT FOR MEDICAID APPROVED MEDICAL SERVICES STARTING JANUARY 1, 2017. *(CONSENT)*

APPROVING SUPPLEMENT NO. 4 TO THE PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES, INC. FOR THE NORTH 14TH STREET EASTBOUND ON-RAMP TO US-6 FEDERAL AID PROJECT. (PROJECT NO. HSIP-5227(7), CN 12944).

APPROVING A GRANT CONTRACT BETWEEN THE COMMUNITY HEALTH ENDOWMENT AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO PROCURE LOW TO NO COST GLUCOMETER STRIPS, TESTING SUPPLIES, AND NEEDED MEDICATIONS FOR POOR AND UNINSURED ADULTS WITH DIABETES WHO ARE WAITING TO ESTABLISH A MEDICAL HOME TO ASSURE ADEQUATE MANAGEMENT OF GLUCOSE LEVELS AND AVOID COSTLY EMERGENCY SERVICES FOR A TERM OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2019 FOR A GRANT AWARD OF \$60,000.00. *(CONSENT)*

APPROVING THE EQUIPMENT MAINTENANCE RENEWAL BETWEEN THE CITY OF LINCOLN AND CONVERGEONE (FORMERLY N.A.C.R.) FOR VOIP EQUIPMENT AND SOFTWARE, PURSUANT TO MASTER MAINTENANCE AGREEMENT NO. MSSA1086, FOR A FOUR YEAR TERM. *(CONSENT)*

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1-15, 2016.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

TEXT AMENDMENT 16011 – AMENDING SECTION 27.67.066 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PARKING REQUIREMENTS FOR CERTAIN USES IN THE H-3 ZONING DISTRICT BY UPDATING THE NAMES OF THE USES TO MATCH NAMES USED IN THE USE GROUP TABLES; AND REPEALING SECTION 27.67.066 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - AN ORDINANCE amending Section 27.67.066 of the Lincoln Municipal Code relating to special parking requirements for certain uses in the H-3 Zoning district by updating the names of the uses to match names used in the Use Group Tables, and repealing Section 27.67.066 as hitherto existing, the first time.

AMENDING CHAPTER 8.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO CHILD CARE PROGRAMS TO ADOPT STANDARDS THAT ARE MORE STRINGENT THAN CURRENT STATE REGULATIONS IN ORDER TO PROVIDE A HIGHER LEVEL OF HEALTH AND SAFETY PROTECTION FOR CHILDREN CARED FOR IN STATE LICENSED CHILD CARE CENTERS IN LINCOLN BY AMENDING SECTIONS 8.14.010, 8.14.030, 8.14.035, AND 8.14.070; ADDING NEW SECTIONS 8.14.095, 8.14.100, 8.14.101, 8.14.102, 8.14.103, 8.14.104, 8.14.105, AND 8.14.106; AND REPEALING SECTIONS 8.14.010, 8.14.030, 8.14.035, AND 8.14.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - AN ORDINANCE amending Chapter 8.14 of the Lincoln Municipal

Code relating to Child Care Programs by amending Section 8.14.010 Definitions to include definitions for disinfected, fall zone, and sanitized; amending Section 8.14.030 Certificate of Compliance; Application to make more clear and definite: amending Section 8.14.035 Operator and Staff Training Requirements to change required training topics and to change requirements for those serving food in a program; amending Section 8.14.070 License to be Posted to make more clear and definite; by adding a new section numbered 8.14.095 to require injury reporting; by adding a new section numbered 8.14.100 to require communicable diseases reporting and enforcement of illness exclusion policy; by adding a new section numbered 8.14.101 to include sleeping surface requirements; by adding a new section numbered 8.14.102 to require infant care rooms to have a specific area dedicated for diaper changing and a permanently plumbed sink and for new facilities to have separate permanently plumbed sink for bottle and food preparation; by adding a new section numbered 8.14.103 to include requirements for diapering and toileting; by adding a new section numbered 8.14.104 to include requirements for wading and swimming activities; by adding a new section numbered 8.14.105 to require adequate house keeping and maintenance to protect the health of children; by adding a new section numbered 8.14.106 to require environmental safety standards concerning smoke, pest control, chemical safety, fire safety, sun safety, and indoor and outdoor playground safety; and repealing Section 8.14.010, 8.14.030, 8.14.035, and 8.14.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SAFE OPERATION ON CITY SIDEWALKS, STREETS, AND CROSSWALKS BY PEOPLE USING SKATES, SKATEBOARDS, SCOOTERS, TOY VEHICLES, AND SIMILAR CONVEYANCES BY ADDING A NEW SECTION NUMBERED 10.02.316; AMENDING SECTION 10.24.010; AND REPEALING SECTION 10.24.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - AN ORDINANCE amending Title 10 of the Lincoln Municipal Code relating to the safe operation on city sidewalks, streets, and crosswalks by people using skates, skateboards, scooters, toy vehicles, and similar conveyances, the first time.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE RIGHT-OF-WAY FOR BICYCLE RIDERS BY AMENDING THE DEFINITION OF “BICYCLE” IN SECTION 10.02.050; AMENDING THE DEFINITION OF “CROSSWALK” IN SECTION 10.02.090; ADDING A NEW SECTION NUMBERED 10.02.335 FOR THE DEFINITION OF “SHARED-USE PATH”; ADDING A NEW SECTION NUMBERED 10.14.135 ENTITLED “CLEARANCE WHEN OVERTAKING BICYCLES”; AMENDING SECTION 10.14.180 TO INCLUDE MORE SPECIFIC INSTRUCTIONS FOR TURN RIGHT HAND SIGNAL TO BE USED BY ANY PERSON OPERATING A BICYCLE; ADDING A NEW SECTION NUMBERED 10.30.055 ENTITLED “DRIVERS TO EXERCISE DUE CARE WITH PEDESTRIANS”; AMENDING SECTION 10.48.130 ENTITLED “RIGHT-OF-WAY”; AMENDING SECTION 10.48.140 ENTITLED “RIGHT TURN LANES”; AMENDING SECTION 10.48.150 ENTITLED “LEFT TURNS”; AMENDING SECTION 10.48.170 ENTITLED “RIDING ON SIDEWALK AND SIDEWALK SPACE REGULATED”; AMENDING SECTION 10.54.070 ENTITLED “OPERATION ON FREEWAY OR SIDEWALKS PROHIBITED”; AND REPEALING SECTIONS 10.02.050, 10.02.090, 10.14.180, 10.48.130, 10.48.140, 10.48.150, 10.48.170, AND 10.54.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - AN ORDINANCE amending Title 10 of the Lincoln Municipal Code relating to the Right-Of-Way for bicycles riders, the first time.

ADJOURNMENT

8:44 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of November 21, 2016.
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Soulinnee Phan, Deputy City Clerk

Monet J. McCullen, Office Specialist

